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EVI DENTI ARY HEARI NG
FOR
HAZARDOUS WASTE PERMIT APPLI CATION

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CYTEC INDUSTRIES/FORTIER MANUFACTURING COMPLEX
WAGGAMAN, JEFFERSON PARI SH, LOUI SI ANA

* * * * *

AGENCY INTEREST NUMBER 1357
PERMIT NUMBER LAD 008175390
ACTI VITY NUMBER PER19980002

* * * * *

The Louisiana Department of Environmental
Quality, Office of Environmental Services, held a pre-
hearing conference and it was reported at the Jefferson
Parish Library - Westwego Branch Meeting Room located at
635 Fourth Street, Westwego, Louisiana 70094 on Thursday,
April 5, 2007, commencing at 10:05 a.m.

Reported by:
Stephane Lacoste Rodriguez
Certified Court Reporter

l deq. txt

APPEARANCES:

OATS & HUDSON
Attorneys at Law
BY: CLIFTON O. BINGHAM, JR., ESQ.
Presiding Officer

JAY GLORIOSO, ESQ.
For the Louisiana Department of Environmental Quality

KEAN, MILLER, HAWTHORNE, D' ARMOND, McCOWAN & JARMAN, LLP
Attorneys at Law
BY: MAUREEN N. HARBOURT, ESQ.
For Cytec Industries

ROBERT S. WHITE
Cytec Industries

SHAWN WARD
Cytec industries

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MR. B I N G H A M:

 T h i s i s a p r e - h e a r i n g c o n f e r e n c e
 i n r e f e r e n c e t o C y t e c
 I n d u s t r i e s / F o r t i e r M a n u f a c t u r i n g
 C o m p l e x , A g e n c y I n t e r e s t N o . 1 3 5 7 , E P A

8 Ideq.txt
No. 008175390. This conference is
9 being conducted this 5th day of April,
10 2007, in the meeting room of the
11 Jefferson Parish Library in the
12 Westwego Branch located at 635 Fourth
13 Street, Westwego, pursuant to public
14 notice. The current time I have is
15 10:06. Is everybody okay with that
16 time?

17 (Nods of affirmation.)

18 MR. BINGHAM:

19 The purpose of this conference is
20 for the applicant and the department
21 and any qualified intervener or
22 interested person to discuss the
23 upcoming public hearing, which is
24 currently set for April 12, 2007, at
25 10:00, in the Galvez Building, Natchez

5

1 Room, North Fifth Street in Baton
2 Rouge, Louisiana.

3 I would ask that the
4 representatives make their appearances
5 for this Record, please.

6 MR. GLORIOSO:

7 I'm Jay Glorioso for the Louisiana
8 Department of Environmental Quality.

9 MS. HARBOUR:

10 I'm Maureen Harbourt with Kean-

11 I deq. txt
Miller Law Firm, counsel for Cytec
12 Industries.
13 MR. BINGHAM:
14 Are there any interested persons
15 present, or any interveners present?
16 (No response.)
17 MR. BINGHAM:
18 Hearing none, has everyone here
19 signed this sign-in sheet (indicating
20 document)?
21 MS. HARBOUR:
22 Yes.
23 MR. BINGHAM:
24 Okay. I would ask that this sign-
25 in sheet be attached to the Record of

6

1 these proceedings as Presiding Officer
2 Exhibit No. 1, and ask, Ms. Harbourt,
3 are you aware of intervenor or any
4 person who has expressed an interest
5 in these proceedings?
6 MS. HARBOUR:
7 No, I am not.
8 MR. BINGHAM:
9 Mr. Glorioso, how about you?
10 MR. GLORIOSO:
11 No, sir.
12 MR. BINGHAM:
13 Okay. Have notices of this pre-

14 I deq. txt
hearing conference been posted?
15 MR. GLORIOSO:
16 Yes.
17 MR. BINGHAM:
18 Do you-all have proof of
19 publication of those notices?
20 MR. GLORIOSO:
21 Yes.
22 MR. BINGHAM:
23 Are you going to introduce those
24 into the Records of these proceedings?
25 MR. GLORIOSO:

7

1 Yes, I do have two exhibits.
2 MR. BINGHAM:
3 Okay. Why don't you go on and
4 make those offerings, please.
5 MR. GLORIOSO:
6 Yes. I have two exhibits. The
7 first one is the -- it contains the
8 Public Notice and Proof of Publication
9 for the New Orleans Times Picayune and
10 the Baton Rouge Advocate. It also has
11 the verification of the public
12 announcement on WWL-AM Radio at 7:12
13 a.m. on March 7 of 2007, I believe;
14 and the verification by Jefferson
15 Parish Library - Westwego Branch,
16 their copy of the Hazardous Waste

17 Ideq.txt
18 Permit Application and Public Notice
19 was made available for public review.
20 I'm going to submit those in globob
21 as Exhibit A.
22 I also have an Exhibit B, a CD --
23 a CD-ROM of the permit application and
24 all of the associated documents and
25 information.
 MR. BINGHAM:

8

1 Ms. Harbourt, any objection to
2 these?
3 MS. HARBOURT:
4 Can I just look at the list real
5 quick? I don't think so. I have no
6 objection to "A."
7 (Reviewing documents) No, I have
8 no objection.
9 MR. BINGHAM:
10 I'm going to ask that the reporter
11 attach those to the transcript of
12 these proceedings, also.
13 Just by way of background
14 information, my name is Clifton
15 Bingham. I'm an attorney; I've been
16 practicing law in Louisiana for
17 thirty-plus years now. I was
18 originally with the Department of
19 Justice and was Deputy Attorney

20 I deq. txt
General until 2001 when I left public
21 practice and went into private
22 practice in Baton Rouge.
23 I'm now a partner with the law
24 firm of Oats & Hudson, and we have
25 offices in Lafayette, Baton Rouge, and

9

1 New Orleans. I'm the managing partner
2 of the Baton Rouge office.

3 In the interest of full
4 disclosure, I want to advise all
5 parties that I and my firm have been
6 appointed by the Attorney General's
7 office to represent DEQ in matters
8 where DEQ has been sued for regulatory
9 liability. We've done that for years.
10 We're actually under contract, not
11 with the Attorney General's office,
12 but with the Office of Risk
13 Management. I've looked at those
14 cases. None of those cases involve
15 the applicant or any of the
16 applicant's subsidiaries. I did want
17 both parties to know that, and if
18 there had been any interested persons
19 here, for them to know that, also.

20 Ms. Harbourt, as we did last time,
21 you know, I'll be glad to make a
22 list of those cases available, but I

23 I deq. txt
did want the Record to reflect that I
24 had advised those parties of our
25 representation of DEQ in these other

10

1 unrelated matters.

2 That being said, does Cytec have
3 any problems with me serving as
4 presiding officer?

5 MS. HARBOURT:

6 We have no objections.

7 MR. BINGHAM:

8 Okay. DEQ?

9 MR. GLORIOSO:

10 None here.

11 MR. BINGHAM:

12 The purpose of this, you know,
13 pre-hearing conference is simply to
14 get with the applicant and DEQ and see
15 if there are any issues left
16 unresolved before the hearing next
17 week.

18 DEQ, do you have any -- Are there
19 any unresolved issues?

20 MR. GLORIOSO:

21 I don't have anything else.

22 MR. BINGHAM:

23 You don't have any problems with
24 any exhibits or any expert testimony
25 that might be presented?

1 MR. GLORIOSO:

2 Not that I'm aware of at this
3 time.

4 MR. BINGHAM:

5 Ms. Harbourt?

6 MS. HARBOUR:

7 No. I would just like to make
8 sure that the exhibits that Jay
9 introduced into evidence here, too,
10 are going to be part of the Record on
11 the official Record of the hearing on
12 April 12, as well.

13 We don't intend to introduce any
14 additional exhibits. We will probably
15 have a witness speak for five or ten
16 minutes at most.

17 MR. BINGHAM:

18 Mr. Glorioso, if you would, just
19 kind of verify for me what you
20 anticipate, you know, next week at the
21 hearing.

22 MR. GLORIOSO:

23 Next week, I don't have any -- I
24 don't anticipate having any more
25 exhibits or -- and I don't believe

I deq. txt

1 we're going to have any witnesses to
2 provide any testimony next week.

3 MR. BINGHAM:

4 We'll just essentially re-
5 introduce the exhibits that have been
6 introduced today.

7 MR. GLORIOSO:

8 Great. I'll just request that we
9 re-introduce those and make them part
10 of the Record next week.

11 MS. HARBOUR:

12 That's fine.

13 MR. BINGHAM:

14 Okay. You-all are going to burn a
15 new CD with the transcript of this,
16 also, on there? Is that the way we're
17 going to do it this time?

18 MR. GLORIOSO:

19 I think we can do that.

20 MR. BINGHAM:

21 Okay. If we could -- Will you
22 have any problems getting this
23 transcript for next week?

24 COURT REPORTER:

25 No, not at all.

13

1 MR. BINGHAM:

2 Okay. If we could, I think it
3 would be advantageous to, at the end

I deq. txt

4 of the day, have one CD -- if it will
5 fit on one CD -- with all the
6 exhibits, the transcript of this pre-
7 hearing conference, and the transcript
8 of the other, so the department will
9 end up with one CD. Does that sound
10 okay to you?

11 MS. HARBOUR:

12 That's fine.

13 MR. BINGHAM:

14 If there are no other issues, no
15 other problems -- I'll ask one more
16 time for this Record: Is there any
17 interested person or intervener
18 present?

19 (No response.)

20 MR. BINGHAM:

21 Let the Record reflect that I hear
22 none.

23 With that, we will adjourn this
24 pre-hearing conference. My time is
25 10:14.

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1 (Whereupon the pre-hearing conference was
2 concluded at 10:14 a.m.)

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REPORTER' S PAGE

I, Stephanie Lacoste Rodriguez,
Certified Court Reporter, in and for the State
of Louisiana, the officer, as defined in Rule
28 of the Federal Rules of Civil Procedure
Page 13

I deq. txt

10 and/or Article 1434 (b) of the Louisiana Code
11 of Civil Procedure, before whom this sworn
12 testimony was taken, do hereby state on the
13 Record:

14 That due to the interaction in the
15 spontaneous discourse of this proceeding,
16 dashes (-) have been used to indicate pauses,
17 changes in thought, and/or talkovers; that
18 same is the proper method for a Court
19 Reporter's transcription of the proceeding,
20 and that the dashes (-) do not indicate that
21 words or phrases have been left out of this
22 transcript;

23 That any words and/or names which
24 could not be verified through reference
25 material have been denoted with the phrase

16

1 "(phonetic)."

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4

Stephanie L. Rodriguez, CCR

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Certified Court Reporter

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Louisiana License #24035

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REPORTER' S CERTI FI CATE

correct

I, Stephanie Lacoste Rodriguez, do hereby
certi fy that the above and foregoing is a true and
transcription of the voice-writing method of the
proceedings herein, reported by me at the time and place
herei nabove stated and thereafter transcribed
under my supervision to the best of my ability and
understandi ng.

CCR

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Stephani e L. Rodri guez,
Certi fied Court Reporter
Loui si ana Li cense #24035

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